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**MISSOURI DEPARTMENT OF CORRECTIONS  
INSTITUTIONAL SERVICES  
PROCEDURE MANUAL**

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IS23-2.1 Offender Work Release Programs

March 19, 2015

Effective Date:

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**I. PURPOSE:** This procedure establishes guidelines for offenders participating in a work release programs.

- A. **AUTHORITY:** Sections 217.175, 217.430 and 217.435 RSMo.
- B. **APPLICABILITY:** Department staff members at any facility or institution under the jurisdiction of the division of adult institutions or the division of offender rehabilitative services. The chief administrative officer or designee of any facility housing offenders under the jurisdiction of the division of adult institutions or the division of offender rehabilitative services will develop standard operating procedures based on the guidelines established herein.
- C. **SCOPE:** Nothing in this procedure is intended to give a protected liberty interest to any offender. This procedure is intended to guide staff member's actions.

**II. DEFINITIONS:**

- A. **Chief Administrative Officer (CAO):** The highest ranking individual at the worksite and in accordance with the CAO reference document available in the department's computer system. Exception: Staff members at the worksite who do not report to the worksite CAO will be accountable to the deputy or assistant division directors or central office section heads who are in their chain of command.
- B. **Community Work Release Rules:** A document developed by an institution or facility to provide the offender with specific rules that he<sup>1</sup> must abide by while working.
- C. **Department Computer System:** The computer systems used by department staff members such as, but not limited to the Corrections Information Network (COIN), Missouri Corrections Integrated System (MOCIS), (OPII), Statewide Advantage for Missouri (SAMII), shared network drive, etc.
- D. **Excluded Offenses For Work Release:**
  - 1. arson in the first degree;
  - 2. assault in the first degree;
  - 3. rape and attempted rape;
  - 4. sodomy and attempted sodomy;

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<sup>1</sup> All references in this procedure to the male gender are used for convenience only and shall be construed to include both female and male genders.

5. kidnapping;
  6. murder in the first and second degree; and
  7. robbery in the first degree.
- E. **Prison Rape Elimination Act (PREA):** Federal law established to address the prevention, detection, response and monitoring of offender sexual abuse and harassment in prisons, jails and community confinement facilities.
- F. **Security Perimeter:** The outermost physical containment perimeter or boundary of a department facility or institution, wherein offenders dwell unrestrained and without special out-count, designed to securely incarcerate an offender within, for the prevention of their escape or access by persons not authorized to enter.
- G. **Special Work Project:** A short-term project which offenders perform work outside of the department facility or institution's security perimeter.
- H. **Staff Member:** Any person who is:
1. employed by the department on a classified or unclassified basis (permanent, temporary, part-time, hourly, per diem) and are paid by the State of Missouri's payroll system;
  2. contracted to perform services on a recurring basis within a department facility (i.e., medical services, mental health services, education services, vocational services, substance abuse services, etc.) pursuant to a contractual agreement and has been issued a permanent department identification card;
  3. a volunteer in corrections;
  4. a student intern;
  5. issued a permanent department identification card or special access in accordance with the department procedure regarding staff identification.
- I. **Supervised Outside Clearance Assignment:** Assignments located outside the security perimeter that are on department property and supervised by department staff members.
- J. **Supervised Work Release:** A program where offenders are employed outside the institution and supervised by department staff members or trained employees of another governmental agency, not-for-profit agency, or private entity.
- K. **Work Agreement:** An agreement between the department and a public or private entity to provide payment for offenders in exchange for work.
- L. **Work Release Coordinator:** A staff member assigned to facility work release activities as specified in standard operating procedures.

### III. PROCEDURES:

- A. **ELIGIBILITY CRITERIA—SUPERVISED WORK RELEASE AND SPECIAL WORK PROJECTS:**
1. Criteria to be considered for participation in supervised work release or special work projects should be as follows:

- a. mental health needs score of MH-1 or MH-2,
    - (1) offenders with a mental health needs score of MH-3, who are otherwise qualified for work release, shall be evaluated by institutional mental health staff members,
    - (2) if institutional mental health staff members believe the offender is stable, medication compliant and stable, they shall make a written recommendation concerning the offender's participation in a work release program,
    - (3) the written recommendation shall be included in the offender's file,
  - b. institutional risk score of I-1,
  - c. no more than 36 months remaining on earliest established release date,
  - d. no felony wants, warrants or detainers,
  - e. no excluded offenses,
  - f. no offender who has completed an excluded offense felony sentence, but is still incarcerated serving a separate consecutive or longer concurrent sentence that is not considered an excluded offense,
  - g. no offender who was convicted of conspiracy to commit any excluded offense as part of their current sentence structure,
  - h. assignments to administrative segregation for rule infractions may result in delayed placement or denial of placement based on severity of incident or as outlined in standard operating procedures (SOP),
  - i. no convictions or demonstrated pattern of child abuse, arson, or sexual offenses,
  - j. no history of investigation for, or suspicion of involvement in, conspiracy to introduce illicit drugs or contraband into a correctional facility,
  - k. the offender's presence in the community should not cause adverse community reaction such as organized crime affiliation or gang involvement,
  - l. no history of security perimeter escapes, including attempts, within the current sentence structure or within the past 10 years,
  - m. must meet the criteria established for education requirements as outlined in departmental procedures regarding mandatory academic education, and
  - n. must meet additional criteria as established in SOP and approved by the deputy division director.
- B. ELIGIBILITY CRITERIA—SUPERVISED OUTSIDE CLEARANCE ASSIGNMENT:**
- 1. Criteria to be considered for participation in a supervised outside clearance assignment should be as follows:
    - a. mental health needs score of MH-3 or below,

- (1) offenders with a mental health needs score of MH-3, who are otherwise qualified for supervised outside clearance assignments, shall be evaluated by institutional mental health staff members,
  - (2) if institutional mental health staff members believe the offender is stable, medication compliant and maintains stability, they shall make a written recommendation concerning the offender's participation in the assignment.
  - (3) the written recommendation shall be included in the offender's file,
- b. institutional risk score of I-1,
  - c. no more than 48 months remaining on earliest established release date,
  - d. no felony wants, warrants or detainers,
  - e. no history of investigation for, or suspicion of, involvement in conspiracy to introduce illicit drugs or contraband into a correctional facility,
  - f. no history of security perimeter escapes within the current sentence structure or within the past 10 years,
  - g. must meet the criteria established for education requirements in accordance with departmental procedures regarding mandatory academic education (Exception: may be assigned to a non-premium pay position),
  - h. has made documented progress toward transition accountability plan goals to supervised work release, and
  - i. must meet additional criteria as established in SOP and approved by the deputy division director.

**C. SELECTION OF WORK RELEASE PARTICIPANTS:**

1. Offenders may submit a request to participate in the work release program by submitting a written request to case management staff members.
  - a. Institutions or facilities with a large number of offenders requesting to participate in the work release program may screen all offenders for work release suitability and assign offenders accordingly to a work release program.
2. If an offender is found ineligible, case management staff members will:
  - a. make an entry into the department computer system indicating that the offender is not eligible for work release screening and the reason for ineligibility, and
  - b. send written notification to the offender that he is not eligible for work release screening and the reason for ineligibility.
3. If an offender is found eligible to participate, case management staff members will submit a work release screening-outside clearance form via the chain of command to the CAO, as well as anything specific to their institution.
4. Outside clearance may be approved by the CAO or designee; work release must be approved by the CAO.

- a. If approved, the CAO will sign the approval signature line of the work release screening-outside clearance form and submit it to the work release coordinator.
    - (1) Institutions will develop community work release rules specific to each institution to be signed by the offender and the work release coordinator as outlined in standard operating procedure (SOP).
      - (A) The original will be filed in the work section of the classification file.
    - (2) Case management staff members will make an entry into the department computer system indicating the approval of work release or outside clearance.
  - b. If disapproved, the CAO will indicate such on the work release screening-outside clearance form with the reason for denial and submit it to the work release coordinator.
    - (1) Case management staff members will make an entry into the department computer system indicating the denial of work release or outside clearance and the reason for denial.
5. Participation in the work release program may be directed.
- D. WORK RELEASE JOB SITE SELECTION:**
- 1. Potential employers may submit written recommendations for work release job sites to the CAO.
  - 2. The CAO will provide preliminary information to the deputy division director to determine if a full assessment should be conducted.
    - a. The CAO will indicate support or opposition for the work release site.
    - b. If the potential employer is a private entity, the deputy division director will forward the recommendation to the division director for consideration on a case-by-case basis.
  - 3. If approved, the division director or deputy division director will notify the CAO to have a full written assessment conducted.
  - 4. The full assessment will be developed by the CAO and will include, at a minimum, the following information:
    - a. type of business product or services,
    - b. stability of the business,
    - c. adverse impact on local community work force,
    - d. local unemployment rates,
    - e. why the business is interested in employing offenders,
    - f. total number of employees,
    - g. staff member to offender ratio,
    - h. safety and health conditions of work environment,

- i. job site liability insurance coverage,
  - j. type and length of training provided by the department to the employer,
  - k. average number of offenders to be employed,
  - l. work hours,
  - m. method of and responsibility for transportation between institution and job site,
  - n. salary and benefits for offenders,
  - o. method of payment of salary,
  - p. length of training program for offender employees,
  - q. level and type of offender supervision to be provided,
  - r. counts – when and how conducted,
  - s. meals – who provides and how,
  - t. offender property items allowed, etc.,
  - u. offender worker dress and grooming requirements,
  - v. on-site checks by staff members, and
  - w. offender evaluations.
5. When completed, the CAO will submit the full written assessment to the deputy division director for review with the division director.
6. If approved, the deputy division director will notify the CAO to proceed with the development of the work agreement.
- a. In order to establish a work agreement, the work release coordinator must submit the applicable forms signed by the CAO to the purchasing section at least 90 days prior to the needed start date of the work crew in accordance with departmental procedures regarding professional and general services contracts.
  - b. The work release coordinator should ensure the conditions of the work agreements are being followed by conducting on-site visits and inspections, at a minimum, every 30 days.
- (1) Any discrepancies will be documented and reported to the CAO.

**E. SPECIAL WORK PROJECTS:**

- 1. Potential government or not-for-profit agencies may submit written recommendations for work release job sites to the CAO.
- 2. For government or not-for-profit agencies the CAO will assess the following information and approve or deny the special work projects:

- a. name of not-for-profit or government agency,
  - b. safety and health conditions of work environment,
  - c. the number of offenders,
  - d. work hours.
3. For all other agencies the CAO will send the written recommendations to the division director for approval or denial.
4. If approved, a special work project agreement will be established in accordance with departmental procedures regarding professional and general services contracts.
5. The CAO will notify agencies of the approval or denial decisions.

**F. TERMINATIONS:**

1. An offender may be terminated from the work release program for the following reasons:
  - a. the offender becomes ineligible to participate based on the criteria specified in this procedure;
  - b. the offender's behavior is not appropriate;
  - c. the offender is unable to perform the duties appropriately; or
  - d. other reasons as established in SOP.
2. Documentation of termination and the reason for such will be made by unit staff members in accordance with institutional services procedures regarding classification files.

**G. GROOMING STANDARDS FOR OFFENDERS:**

1. Offenders must maintain proper hygiene and appearance in accordance with institutional services procedures regarding offender personal appearance and grooming as well as employer mandated grooming standards.
2. Beards and mustaches must be neatly trimmed and no more than ½ inch in length.
3. Hair cannot touch the collar of the offender's gray state shirt.
4. Hair braids must be removed and dreadlocks opened up to a point that staff can check for contraband.

**H. NOTIFICATION TO VICTIMS:**

1. Victims will be notified of an offender's participation in supervised work release programs, not including the community release center, in accordance with departmental procedures regarding victim's services.

**I. TRAINING:**

1. The work release coordinator for the institution, with the assistance of the institutional training officer, shall ensure that work release supervisors have received training on supervising offenders for the work

release program, to include prison rape elimination act (PREA) specific training and shall ensure training occurs annually in accordance with department procedure regarding offender sexual abuse and harassment.

**J. OFFENDER TRANSPORTATION:**

1. Offender crews who are supervised by departmental staff members will be transported in accordance with institutional services procedures regarding offender transportation.

**K. RECORD RETENTION:**

1. All applicable documentation and forms will be maintained in accordance with departmental procedures regarding record retention.

**IV. REFERENCES:**

- A. 931-4676 Work Release Screening – Outside Clearance (8-13)
- B. D1-5.1 Victim Services
- C. D1-8.13 Offender Sexual Abuse and Harassment
- D. D1-11.3 Record Retention
- E. D3-2.4 Professional and General Services Contracts
- F. D3-5.1 Offender Accounts
- G. D5-8.11 Mandatory Academic Education
- H. IS7-1.4 Classification Files
- I. IS20-4.2 Offender Transportation and Supervision of Hospitalized Offenders

**V. HISTORY:** This procedure was previously contained in Division Rule 20-128.050 Community Release: Original rule effective: November 1, 1980. Revised: August 1, 1983; August 1, 1990, December 1, 1991, February 22, 1994 and June 22, 1994.

- A. Original Effective Date: November 18, 2002
- B. Revised Effective Date: January 24, 2003
- C. Revised Effective Date: May 11, 2003
- D. Revised Effective Date: November 17, 2003
- E. Revised Effective Date: June 16, 2005
- F. Revised Effective Date: March 19, 2015